

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

JAMES TANNEHILL, II, )  
                          )  
                          )  
Plaintiff            )  
                          )  
vs.                    )              Case No. 2:08-cv-01142-LSC  
                          )  
                          )  
TROY KING, et al., )  
                          )  
                          )  
Defendants          )

**FINAL JUDGMENT**

On February 13, 2009, the magistrate judge's report and recommendation was entered and the parties were allowed therein eleven (11) days in which to file objections to the recommendations made by the magistrate judge. No objections have been filed by either the plaintiff or the defendants.

After careful consideration of the record in this case and the magistrate judge's report and recommendation, the court hereby ADOPTS the report of the magistrate judge. The court further ACCEPTS the recommendations of the magistrate judge, and it is, therefore,

ORDERED, ADJUDGED and DECREED, in accordance with Rule 58 of the Federal Rules of Civil Procedure, that:

- (1) the Rule 12(b)(1) Motion to Dismiss of defendants Rice and Melson (Doc. #17) is due to be and hereby is GRANTED and all claims asserted by plaintiff against these defendants are DISMISSED WITH PREJUDICE;
- (2) the Rule 12(b)(6) Motion to Dismiss of defendants Rice and Melson (Doc. #27) is due to be and hereby is GRANTED and the RICO claims asserted by plaintiff against these defendants are DISMISSED WITH PREJUDICE;
- (3) the Rule 12(b)(6) Motion to Dismiss of defendants Enfinger and Heritage Plantation, Inc. (Doc. #31) is due to be and hereby is GRANTED and all claims asserted by plaintiff against these defendants are DISMISSED WITH PREJUDICE;
- (4) the Rule 12(b)(6) Motion to Dismiss of defendants Ragland and Geiger (Doc. #32) is due to be and hereby is GRANTED and all claims asserted by plaintiff against these defendants are DISMISSED WITH PREJUDICE; and
- (5) *sua sponte* and *ex mero motu*, Counts Nine and Ten are due to be and hereby are DISMISSED WITHOUT PREJUDICE.

Done this 4th day of March 2009.



L. SCOTT COOGLER  
UNITED STATES DISTRICT JUDGE

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